



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact John Joyce, Kathleen Kennedy, or Georgeanne Carter at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
April 23, 2021	Emergency/Proposed Regulations DLS Control No. 21-030 Maryland Department of Labor: Racing Commission: Thoroughbred Rules: COMAR 09.10.01.17 The use of turf racing is limited to warmer months of the year. This request would permit the regulation to be in place when turf racing is being held.		

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February 12, 2021	<p>Emergency/Proposed Regulations DLS Control No. 21-003 Maryland Department of Labor: Racing Commission: Prohibited Acts: COMAR 09.10.03.08</p> <p>According to the department, emergency status is being requested to resolve an unintended consequence of horses being penalized for competing in certain races that do not permit the administration of race day medication (Lasix) in a jurisdiction where the restriction is in place by house rule, and not by the regulatory authority of that state.</p>	n/a	Emergency status beginning March 15, 2021, and expiring September 1, 2021.
January 7, 2021	<p>Emergency/Proposed Regulations DLS Control No. 20-169 Maryland Department of Labor: Racing Commission: Thoroughbred Rules: COMAR 09.10.01.07</p> <p>According to the department, the Racing Commission and industry stakeholders consider this amendment a benefit to the safety and welfare of the horses participating in races.</p>	n/a	Emergency status beginning February 1, 2021, and expiring July 25, 2021.
December 11, 2020	<p>Emergency Regulations DLS Control No. 20-180 Independent Agencies: Tax Court: Rules of Procedure: COMAR 14.12.01.01-.04, .06, .08-.09, .11, .13, .15, and .16</p>	n/a	Emergency status beginning December 18, 2020, and expiring June 11, 2021.

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	<p>Because of the global pandemic, and consistent with the Governor’s Executive Orders, this emergency action is needed to clarify the Tax Court’s authority to conduct remote hearings and to establish procedures for such hearings. Unlike agencies where the authority to hold a hearing by “telephone, video conferencing, or other electronic means” is statutory, Md. Code Ann., State Gov’t § 10-211, neither the Tax General Article nor the existing implementing regulations expressly address the authority to hold remote hearings. These emergency regulations would clarify the authority and establish procedures for conducting remote hearings thereby enabling taxpayers to adjudicate their claims promptly and safely.</p>		
December 2, 2020	<p>Emergency/Proposed Regulations DLS Control No. 20-162 Maryland Department of Labor: Commissioner of Financial Regulation: General Regulations: COMAR 09.03.02.08</p> <p>This regulation is designed to provide industry stakeholders with flexibility regarding remote work for their employees. Maryland currently has regulations in place regarding remote work (i.e., Mortgage Loan Originators) that provide flexibility for employees working remote. This regulation speaks to employees of other OCFR-regulated licensees, such as those involved in origination or servicing, who are working remotely.</p> <p>The regulations are meant to ensure that our licensees working and/or doing business remotely, rather than at a</p>	n/a	Emergency status beginning January 5, 2021, and expiring May 3, 2021.

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	corporate office or a branch, remain covered by and are otherwise subject to OCFRs regulatory requirements. Given that the majority of our licensees are working remotely, and will continue to do so for the foreseeable future, we wish to submit them on an Emergency basis.		
November 24, 2020	<p>Emergency/Proposed Regulations DLS Control No. 20-160 Department of Natural Resources: Boating–Speed Limits and Operation of Vessels: Potomac River: COMAR 08.18.21.07</p> <p>The purpose of this action is to establish a 6-knot speed limit in the Potomac River for the area surrounding the construction site of the Maryland Transportation Authority’s Harry W. Nice/Thomas “Mac” Middleton Bridge Replacement Design-Build Project. The project involves construction of a new bridge and demolition of the existing Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge. The construction of the new bridge is scheduled to be completed by 2023 and the demolition of the old bridge is scheduled to be completed by December 31, 2024. The proposed action describes an area around the construction site and establishes a speed limit for the area through December 31, 2024. Emergency approval of this action is requested to ensure public safety and protect human life. Without an established speed limit, the construction zone poses safety threats for all waterway users, employees, and contractors.</p>		Emergency status beginning December 22, 2020, and expiring June 20, 2021.

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November 6, 2020	<p>Emergency/Proposed Regulations DLS Control No. 20-151 Department of Agriculture: Office of the Secretary: Cost Sharing – Water Pollution Control Program: COMAR 15.01.05.02 and .05</p> <p>The proposed action reflects recent changes to State law governing the State’s Cost-Sharing Program that became effective on October 1, 2020. See Ch. 305 (S.B. 597), Acts of 2020. These changes expressly authorize the use of cost-sharing funds for the following fixed natural filter practices: (1) The planting of riparian forest buffers; (2) The planting of riparian herbaceous cover; (3) Tree plantings that are on agricultural land and outside a riparian buffer; (4) Wetland restoration; or (5) Pasture management, including rotational grazing systems, such as livestock fencing and watering systems implemented as part of the conversion of cropland to pasture.</p> <p>The department is requesting emergency status because it is anticipated that these practices will benefit the waters of the State and assist the State in meeting its Watershed Implementation Plan goals.</p>		Emergency status beginning December 8, 2020, and expiring May 19, 2021.
October 20, 2020	<p>Emergency Regulation DLS Control No. 20-134 State Retirement and Pension System: Board of Trustees: Election of Trustees: COMAR 22.03.01.06</p>		Emergency status beginning November 24, 2020, and expiring April 30, 2021.

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	<p>Due to the Governor’s Declaration of State of Emergency and Existence of Catastrophic Health Emergency, issued on March 5, 2020, and most recently renewed on September 8, 2020, the Board of Trustees for the State Retirement and Pension System is requesting an emergency regulation to amend COMAR 22.03.01.06A(2)(a), to temporarily reduce the number of signed nominations needed to be placed on the ballot as a candidate for election to the Board of Trustees.</p> <p>At this time, two trustees on the board have terms expiring on July 31, 2021. One trustee must be an active member of the Employees’ Pension and Retirement Systems, the Judges’ Retirement System, the Correctional Officers’ Retirement System, the Law Enforcement Officers’ Pension System or the Legislative Pension Plan. The second trustee must be an active member of the Teachers’ Pension System or Retirement System.</p> <p>The State Retirement Agency is currently in the process of accepting nominations for these two trustee positions. COMAR 22.03.01.06 states that potential candidates are required to obtain 500 signatures from their membership in order to be eligible for a nomination to the board. These signatures must be received by the agency on or before January 29, 2021. Following receipt of a potential candidate’s nomination form, the Executive Director verifies that the individual has satisfied each of the requirements necessary to qualify as a candidate for trustee. This process includes staff for the agency</p>		

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	<p>confirming that each of the 500 signatures collected are valid.</p> <p>In light of the current public health crisis, the Department of Budget and Management requiring mandatory telework for State employees, and many schools only providing remote learning at this time, the board is concerned that requiring a potential candidate to gather signatures of 500 individuals between November 1, 2020 and January 31, 2021, could be nearly impossible while creating unnecessary health risks for both the candidate and the individual signing the candidate's nomination form. Potential candidates typically obtain nominations at employee gatherings, but due to the current state of emergency, such gatherings are not appropriate at this time. To mitigate the public health risks for the candidate and signatory, the board is seeking a temporary reduction to the signature requirement from 500 to 150.</p> <p>The board believes this amendment would support the Governor's effort to control and prevent the spread of COVID-19, as provided in his Declaration of State of Emergency and Existence of Catastrophic Health Emergency. Moreover, the Board also believes that reducing the number of signatures to 150 would maintain the spirit of the existing provision in COMAR 22.03.01.06.</p> <p>To address the public health risk that may remain with regard to still having to collect 150 signatures, the agency has notified eligible potential candidates that it will permit potential candidates to email the nomination forms to</p>		

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	<p>individuals to sign. After the individual has signed the document, they may fax or scan and email it back to the potential candidate. This modification of the agency's past practice of requiring all signatures to be made in person between the potential candidate and the individual signing the nomination form, is in acknowledgement that the safest and preferred method for candidates to gather signatures during this time would be by using electronic methods (e.g. email or fax) so that face-to-face interactions are greatly reduced or eliminated altogether. Nevertheless, these new procedures will take additional time, likely making it impossible to meet the current requirement of 500 signatures during the allotted time. The board believes 150 signatures would be more reasonable under these circumstances.</p> <p>The agency wishes to have this modification in place as soon as possible in order to advertise the change to our members in hopes that it will ease worries for existing potential candidates and also attract additional interest in potential trustee candidates for the Board of Trustees.</p>		
October 9, 2020	<p>Emergency Regulation DLS Control No. 20-129 Board of Elections: Canvassing: Definitions; General Provisions: COMAR 33.08.01.02-1</p> <p>This clarifies that counsel does not need to be present at all pre-election day canvasses for the 2020 General Elections but does need to be present at post-election day canvasses</p>		

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	if the ballots being canvassed could decide the outcome of a contest or question. Subsection B requires that counsel be present at any decision meetings on the legality or acceptability of a vote on any ballot, an absentee ballot, provisional ballot application, or provisional ballot. This amended regulation aligns with when the members of the local boards of elections are required to be present at the canvass. Due to the short time period before the general election, this amendment is being requested for emergency status.		